

Public Notice – Environmental Regulation

NOTICE OF ACTION: The State Water Control Board is considering the amendment of a regulation on water quality.

PURPOSE OF NOTICE: To seek public comment through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses.

PUBLIC COMMENT PERIOD: December 31, 2012 to March 1, 2013

PUBLIC HEARING: DEQ Piedmont Regional Office at 4949-A Cox Road, Glen Allen, VA 23060 on Thursday, February 14, 2013 starting with a Public Information/Question and Answer Session at 9:30 AM and the Public Hearing at 10:00 AM.

PUBLIC COMMENT STAGE: Notice of Public Comment

REGULATION NAME: General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Potable Water Treatment Plants (9VAC25-860)

DESCRIPTION OF PROPOSED REGULATION: This rulemaking proposes to update VPDES potable water treatment plant general permit (VAG64) which expires December 23, 2013. The general permit will establish limitations and monitoring requirements for point source discharge of treated wastewater from potable water treatment plants. Substantive changes proposed include adding several new definitions (department, membrane treatment, microfiltration, municipal separate storm sewer system, nanofiltration, reverse osmosis, total maximum daily load (TMDL) and ultrafiltration), expanding the definition of potable water treatment plant, changing the expiration date from December 23, 2018 to June 30, 2018, adding two reasons authorization to discharge cannot be granted (if the antidegradation policy is not met or if the discharge is not consistent with a total maximum daily load), moving the details of the whole effluent toxicity testing into the permit itself and adding a statement in the authorization section that owners who demonstrate reasonable potential for toxicity are not allowed permit coverage. In the registration statement requirements, we propose adjusting the registration submittal dates, asking for any chemical usage or treatment technology changes and adding notification requirements for municipal separate storm sewer systems (MS4) and downstream water supply owners (if applicable). On the effluent limits pages, we propose reducing monitoring requirements for conventional plants (plants that do not utilize reverse osmosis or nanofiltration) from monthly to quarterly, changing the '5 Grab/8 Hour Composite' to 'Composite' and explain how that differs for continuous vs. batch discharges. In the special conditions, we propose changing the inspection frequency from 'daily' to 'daily when discharging,' adding that discharges to total maximum daily load (TMDL) waters must implement measures and controls consistent with the TMDL, adding that groundwater monitoring plans may be reevaluated and changed when appropriate, changing the Operations and Maintenance manual requirement such that they are no longer submitted to the Department for approval but they must be made available upon request, moving the details of the whole effluent toxicity testing (WET) requirement into the special conditions and out of the 'authorization to discharge' section 9VAC25-860-50 (the 2008 regulation required this WET testing before coverage could be granted), requiring the WET testing only for permittees with flows greater than or equal to a daily maximum of 50,000 GPD, allowing owners an opportunity to find and eliminate sources of toxicity before being subjected to a WET limit at the next reissuance, allowing for representative toxicity data from the past to be used to qualify for general permit coverage and once no reasonable potential for toxicity is demonstrated then no repeat testing is required unless changes are made at the plant.

The changes described here were made to make this general permit similar to other general permits issued recently and in response to staff and technical advisory committee members' requests to clarify and update permit limits and conditions.

LOCALITY PARTICULARLY AFFECTED: The regulation will be applicable statewide and will not affect any one locality disproportionately.

HOW TO COMMENT: DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name and address of the person commenting and be received by DEQ no later than the last day of the comment period. Both oral and written comments are accepted at the public hearing. DEQ prefers that comments, including a copy of supporting documents or exhibits, be submitted in writing. All testimony, exhibits and documents received are part of the public record. More detailed information on the proposal is available at the Town Hall website at www.townhall.virginia.gov and by contacting the DEQ representative named below. The public may review the documents at the following location: Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION:

Elleanore Daub, Office of VPDES Permits at 629 East Main Street, Richmond, VA 23219; Phone: (804) 698-4111; E-mail: elleanore.daub@deq.virginia.gov; Fax: (804) 698-4032.